United Nations CEDAW/C/MCO/CO/1-3

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined initial to third periodic reports of Monaco*

1. The Committee considered the combined initial to third reports of Monaco (CEDAW/C/MCO/1-3) at its 1556th and 1557th meetings (see CEDAW/C/SR.1556 and CEDAW/C/SR.1557), held on 9 November 2017. The Committee's list of issues and questions is contained in CEDAW/C/MCO/Q/1-3 and the responses of Monaco are contained in CEDAW/C/MCO/Q/1-3/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined initial to third periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party's delegation, which was headed by the Ambassador and Permanent Representative of Monaco to the United Nations Office and other international organizations in Geneva, Carole Lanteri. The delegation also included representatives of the Ministry of Health and Social Affairs, the Ministry of the Interior, the Department of International Cooperation, the Department of Legal Affairs, the Department of Justice and the Permanent Mission of Monaco to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the entry into force in 2005 of the Convention for Monaco in undertaking legislative reforms, in particular the adoption of:

* Adopted by the Committee at its sixty-eighth session (23 October–17 November 2017).

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(a) Sovereign Ordinance No. 4.524 of 30 October 2013 setting up the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation (2013);

(b) Law No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence;

(c) Law No. 1.359 of 20 April 2009, which provides for medical termination of pregnancy in three sets of circumstances, which constitutes a first step towards bringing sexual and reproductive health legislation into line with the Convention;

(d) Law 1.299 of 15 July 2005 on freedom of public expression;

(e) Sovereign Ordinance No. 605 of 1 August 2006 implementing the United Nations Convention against Transnational Organized Crime.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the establishment or adoption of the following:

A State-approved association for victim support (2014).

6. The Committee welcomes the fact that, in the period since the entry into force in 2005 of the Convention for Monaco, the State party has ratified or acceded to the following international and regional instruments:

(a) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2016;

(b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2014;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2008;

(d) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), in 2014;

(e) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2015.

Sustainable Development Goals

7. The Committee notes with satisfaction the commitment of the State party to implement the Sustainable Development Goals and its provision of €500 per capita in official development assistance. The Committee recalls the importance of target 1 of Goal 5 and commends the positive efforts of the State party to implement sustainable development policies.

C. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Council, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

D. Principal areas of concern and recommendations

Reservations

9. The Committee welcomes the State party's recent withdrawal of its reservation to article 16 (1) (g) of the Convention. It is concerned, however, that the State party maintains its reservations to articles 7 (b), 9, 16 (1) (e) and 29 (2).

10. **Recalling its statement on reservations, adopted at its nineteenth session, in 1998, the Committee considers that the reservation to article 16 is incompatible with the object and purpose of the Convention and that it is therefore impermissible and should be withdrawn. The Committee also considers reservations to article 7 to be in contravention of the Convention. It therefore recommends that the State party review all of its reservations to the Convention, with a view to their withdrawal.**

Visibility of the Convention

11. The Committee notes with appreciation that international instruments ratified by the State party take primacy over national laws. It notes with concern, however, that the Convention has been directly referred to in court only once: in 2011, notably in a case concerning the wrongful dismissal of a female employee. It is concerned that this may point towards insufficient knowledge among the population and the judiciary about the Convention.

12. **The Committee recommends that the State party make the Convention sufficiently known and applied in respect of all laws, court decisions and policies on gender equality and the advancement of women, including through the wide dissemination of the Convention and the Optional Protocol thereto to the general public and among public officials, in particular the judiciary and the police. In this regard, it also recommends that the State party provide capacity-building programmes for the judiciary on the Convention, the Optional Protocol thereto and the general recommendations of the Committee.**

Equality and non-discrimination and access to justice

13. The Committee takes note of articles 17 and 32 of the Constitution, according to which all nationals of Monaco are equal and foreign nationals enjoy all rights except for those formally reserved for nationals. It also notes with appreciation that the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation is mandated to receive and consider complaints about discrimination. The Committee is concerned, however, that the State party does not have specific anti-discrimination legislation prohibiting direct and indirect discrimination. The Committee notes the explanation provided by the delegation according to which the principle of equality between men and women is enshrined in each individual law. The Committee is concerned, however, that the absence of specific anti-discrimination legislation may constitute a barrier to women's access to justice in cases of sexual or gender-based discrimination and notes in this regard the nearly non-existent number of judgments issued in such cases in the State party and the low number of complaints to the High Commissioner regarding cases of sexual or gender-based discrimination.

14. **The Committee recommends that the State party adopt comprehensive anti-discrimination legislation that prohibits discrimination against all women and that encompasses direct and indirect discrimination in both the public and**

private spheres, as well as intersecting forms of discrimination against women, which particularly affect women belonging to minority groups, in line with article 1 of the Convention and general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention. It furthermore recommends that the State party conduct regular and comprehensive studies on discrimination against women and collect disaggregated statistical data on discrimination that they may experience in specific areas, such as education, employment and health, and take such studies and data into full consideration in the making of law and policy.

Discriminatory laws

15. The Committee notes with concern that, according to the Constitution of the State party, the crown is passed based on male-preference cognatic primogeniture, which is discriminatory not only with regard to the members of the princely family, but also in terms of the high symbolic value of this rule, which assigns a higher value to a man than to a woman.

16. **The Committee recommends that the State party replace male-preference cognatic primogeniture with absolute cognatic primogeniture, i.e. the crown being passed to the firstborn, independent of that person's sex, as has been done by most European monarchies.**

17. The Committee notes with concern that the State party's legislation contains some legal provisions that discriminate against women, including with respect to nationality, labour and family law.

18. **The Committee recommends that the State party repeal all legal provisions that discriminate against women without delay in order to harmonize its legislation with its obligations under the Convention.**

National machinery for the advancement of women

19. The Committee takes note of the Commission on Women's Rights and the Family within the National Council. It is concerned, however, about the absence of a mechanism in charge of the implementation of the Convention. It notes with concern that measures taken by the State party regarding the advancement of women's rights are seldom targeted at women alone, but rather frequently focus on the combination "women and the family" or "women and children". Such an approach may insufficiently take into consideration the situation of single women or women without children or the individual rights of women within the family, and furthermore perpetuate a stereotyped image of women as mothers and housewives.

20. **The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity and the guidance provided in the Beijing Declaration and Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, recommends that the State party:**

(a) **Establish a national machinery for the advancement of women and ensure that it has adequate decision-making power and human, technical and financial resources to effectively promote the advancement of women's rights and gender equality, and ensure that it focuses on the rights of all women in the State party, irrespective of their family situation;**

(b) **Ensure that the national machinery cooperates closely with the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation of the State party;**

(c) **Establish gender focal points who are trained on the Convention in all ministries;**

(d) **Provide for gender-responsive budgeting, ensure that gender-impact assessments form an integral part of the legislative process and carry out a gender-impact assessment of existing legislation.**

Temporary special measures

21. The Committee notes that the State party has not introduced any temporary special measures to promote the advancement of women and address discrimination experienced by them. Particularly in the light of the State party's reference to labour restrictions for women and special regulations for childbearing and childcare, as well as statements by the delegation that temporary special measures are not needed given the State party's comprehensive equal treatment legislation, the Committee notes a limited understanding of the nature and scope of temporary special measures within the meaning of article 4 (1) of the Convention.

22. **The Committee draws the State party's attention to its general recommendation No. 25 (2004) on temporary special measures. It reminds the State party that the purpose of article 4 (1) is to accelerate the improvement of the position of women to achieve substantive equality of women and men, and to effect the structural, social and cultural changes necessary to correct past and current forms of discrimination against women and that such measures are of a temporary nature until substantive equality is achieved. It also reminds the State party that for this purpose a purely formalistic approach is not sufficient, but that the Convention additionally requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. For this purpose, temporary special measures need to be based on a thorough evaluation of socially, culturally or biologically constructed differences that result in discriminatory treatment of women. The Committee recommends that the State party set time-bound targets and allocate sufficient resources for the implementation of temporary special measures with specific targets and incentives, such as quotas and other proactive measures, with a view to achieving substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, such as political and public life, and in decision-making, education and employment.**

Stereotypes

23. The Committee notes with appreciation that the values of respect and encouragement of a greater sense of responsibility are conveyed to pupils in schools, and welcomes the creation of a policy to combat harassment and cyberbullying in schools. It is concerned, however, that the State party is not taking specific measures to counter discriminatory stereotypes towards women, which remain prevalent in political discourse, the media and among the general public. The Committee also notes that professional functional titles of women remain masculine, including when the language would allow for a feminine version. Furthermore, the Committee notes with concern that women play only a minor role in sports. The racing competitions are traditionally dominated by men and the Monte-Carlo Masters tournament is for male participants only and, while there is a professional men's football club, there is

only an amateur football club for women. Furthermore, women often serve as mere decoration in these sporting events, for example as "grid girls" during the Monaco Grand Prix.

24. **The Committee recommends that the State party adopt a comprehensive strategy to eliminate patriarchal attitudes and deep-rooted stereotypes concerning the roles and responsibilities of women and men in the family and in society, including by:**

(a) **Incorporating education on gender equality into school curricula at all levels;**

(b) **Cooperating with the media to raise awareness of and address existing sex-based discriminatory stereotypes and considering the option of employing feminine denominations of professional titles when the corresponding positions are occupied by women in order to avoid subconscious bias by attributing these professions to men;**

(c) **Addressing the imbalance between women's and men's participation in major sporting events in the State party and increasing funding for women's and girls' teams in a broad variety of sport disciplines;**

(d) **Discouraging all purely "decorative roles" of women at sporting events such as the Monte Carlo racing competitions in order to eliminate objectification of women.**

Gender-based violence against women

25. The Committee welcomes the enactment of Law No. 1.382 of 2011, which, inter alia, criminalizes marital rape. It is concerned, however, about the persistence of gender-based violence against women in the State party, particularly domestic violence. The Committee also notes with concern that:

(a) Law No. 1.382 of 2011 insufficiently addresses how the specific situation of women victims of violence differs from that of children and persons with disabilities, who are also included in the law, and excludes domestic violence when the couple does not or did not live together;

(b) The definition of rape in article 262 of the Criminal Code of the State party is not based on lack of consent but rather on "any act of sexual penetration, of any kind and using any means, committed against another person using violence, coercion, intimidation or surprise";

(c) There seems to be an underreporting of gender-based violence against women, as reflected by the number of complaints, the lenient penalties for perpetrators and insufficient enforcement of restraining and protection orders in practice;

(d) Law No. 1.299 of 2005 on freedom of public expression does not list sex and gender among the categories based on which incitement to violence and hatred is criminalized;

(e) There is a lack of systematic collection of data on gender-based violence, disaggregated by sex, age and relationship between the victim and perpetrator in line with general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992).

26. In line with its general recommendation No. 35, and in line with target 2 of Sustainable Development Goal 5 on the elimination of all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party strengthen its efforts to combat gender-based violence against women, including to combat gender inequality and sexist stereotypes as the underlying causes of such violence. It also recommends that the State party:

(a) Amend Law No. 1.382 of 2011 to adequately address the special needs of women victims of gender-based violence and extend the definition of domestic violence to non-cohabiting couples;

(b) Amend article 262 of the Criminal Code to ensure that the definition of rape is based on the lack of freely given consent;

(c) Develop and implement awareness-raising programmes that promote an understanding of gender-based violence against women as unacceptable and harmful, provide information about available legal remedies against it and encourage the reporting of such violence and the intervention of bystanders;

(d) Ensure effective access for victims to courts and tribunals and adequate responses by the authorities to all cases of gender-based violence against women, including through capacity-building with regard to the strict application of the relevant criminal law provisions and, as appropriate, ex officio prosecution to bring alleged perpetrators to trial in a fair, impartial, timely and expeditious manner and impose adequate penalties;

(e) Provide effective reparations to victims and survivors of gender-based violence against women. Reparations should include various measures, such as monetary compensation; the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery; and satisfaction and guarantees of non-repetition, in line with general recommendation Nos. 28 (2010) and 33 (2015) on women's access to justice;

(f) Ensure effective use of restraining and protection orders;

(g) Provide capacity-building to law enforcement personnel on the Convention, general recommendation No. 35 and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;

(h) Amend Law No. 1.299 of 2005 on freedom of public expression, with a view to criminalizing incitement to hatred and violence based on sex and gender;

(i) Establish a system to regularly collect, analyse and publish statistical data on the number of complaints about gender-based violence against women, the number and type of protection orders issued, the number of prosecutions and convictions and the sentences imposed on perpetrators.

Trafficking and exploitation of prostitution

27. The Committee notes with concern that women are trafficked into the State party for purposes of forced prostitution.

28. The Committee draws attention to target 2 of Sustainable Development Goal 5, on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:

(a) **In cooperation with neighbouring countries, address the root causes of trafficking in women and their exploitation in prostitution by increasing efforts to improve their economic situation;**

(b) **Strengthen measures to protect potential victims from trafficking, including by sensitizing the general public on the criminal nature of trafficking, setting up a free 24/7 hotline and encouraging reporting by victims and witnesses, and providing witness protection programmes and temporary residence permits to victims, irrespective of their ability or willingness to cooperate with the prosecutorial authorities;**

(c) **Carry out educational and awareness-raising measures targeted at the general public, in particular men and boys, including specific awareness-raising campaigns to increase awareness of trafficking in women and knowledge of the vulnerable situation of women in prostitution. Such measures should place a particular focus on combating all notions of the subordination of women and all forms of objectification of women;**

(d) **In cooperation with neighbouring countries, ensure that women in prostitution have non-discriminatory access to social and health benefits;**

(e) **In cooperation with neighbouring countries, allocate specific funds for exit programmes for women who wish to leave prostitution, and provide them with swift access to alternative income-generating opportunities, education and/or vocational training.**

Participation in political and public life and decision-making

29. The Committee notes with appreciation that the State party has a high number of women among its diplomatic staff, but notes with concern that women continue to be underrepresented in decision-making positions, including the Council of Government, as well as the National Council, where only 5 out of 24 members are women. The Committee is of the impression that the State party is not fully aware that the representation of women in political and public life and decision-making positions is influenced by gender bias and a prevalent "glass ceiling".

30. **The Committee recommends that the State party:**

(a) **Adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004), in the form of statutory quotas, as well as financial incentives for political parties with an equal number and rank of women on their electoral lists, to ensure the equal representation of women in the National Council, the Council of Government and the Municipal Council;**

(b) **Raise awareness among politicians, the media and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the effective implementation of the Convention, as well as the political stability and economic development of the country.**

Nationality

31. The Committee notes with concern that the State party's legislation on nationality continues to include several provisions that discriminate against women, such as:

(a) The obligation for Monegasque women to fulfil a number of conditions in order to transmit their nationality to their children while Monegasque men can transmit their nationality without fulfilling such conditions;

(b) The possibility for Monegasque women to give up their nationality upon marriage to a foreigner, which does not exist for Monegasque men.

32. **The Committee recommends that the State party amend its nationality law to ensure that women and men have equal rights with regard to obtaining, keeping and transmitting nationality. It furthermore recommends that the State party accede to the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 1997 European Convention on Nationality.**

Education

33. The Committee notes with concern that:

(a) Women continue to be drastically underrepresented in non-traditional fields of study such as science;

(b) There is an insufficient amount of age-appropriate sexual and reproductive health education in schools.

34. **The Committee recommends that the State party:**

(a) **Adopt strategies, as well as targeted measures, to address structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, such as mathematics, information technology and science;**

(b) **Increase age-appropriate education for girls and boys on sexual and reproductive health and rights as part of school curricula, promote responsible sexual behaviour and raise awareness regarding HIV and other sexually transmitted diseases.**

Employment

35. The Committee notes with concern:

(a) Reports that foreign women have been arbitrarily dismissed following their maternity leave based on article 6 of Law No. 729 of 1963, which allows for dismissals without reason;

(b) Vertical and horizontal segregation in the labour market and the absence in Law No. 729 of an explicit provision on the principle of equal pay for work of equal value;

(c) Discriminatory regulations with regard to labour by women, including the prohibition of night work in certain professions or the prohibition of work in the production or sale of products that are against "good morals" or in a profession requiring lifting or carrying certain amounts of weight;

(d) The reportedly precarious working conditions of many foreign women employed in the cleaning sector.

36. **The Committee recommends that the State party:**

(a) **Amend article 6 of Law No. 729 of 1963 to exclude the arbitrary dismissal of foreign women workers following maternity leave;**

(b) **Address occupational segregation, including by adopting measures to eliminate discrimination against women in recruitment and promotion, and adopt the necessary legislative amendments to enforce the principle of equal pay for work of equal value in both the private and public sectors;**

(c) **Review the restrictions on women's labour and ensure that they are limited to restrictions that are strictly necessary for the protection of maternity in the strict sense, and promote and facilitate women's entry into these restricted occupations, including by improving working conditions;**

(d) **Increase monitoring by the labour inspectorate of the working conditions in the cleaning sector and ensure that inspections are also conducted in private households;**

(e) **Review the labour legislation with a view to, if necessary, bringing it into compliance with International Labour Organization (ILO) standards.**

Sexual harassment in the workplace

37. The Committee notes with appreciation the initiative of draft law No. 908 on sexual harassment and sexual violence in the workplace but notes that it is still pending.

38. **The Committee recommends that the State party ensure that draft law No. 908 is fully in line with the Convention and that it swiftly adopt the draft law and include in its next periodic report data on the number of reported cases of sexual harassment, investigations and prosecutions, and on the sentences imposed on perpetrators.**

Women migrant domestic workers

39. The Committee notes the relatively high number of women migrant domestic workers in the State party. It is concerned that the mechanisms in place to monitor their conditions of work may not be sufficient and may contribute to abusive working conditions for these women.

40. **The Committee recommends that the State party amend its legislation to increase the capacities and resources of the labour inspectorate to enable it to monitor the situation of domestic workers more effectively, including their recruitment and working conditions, and that the State party inform domestic workers of their rights and facilitate the making of complaints by them in cases of abuse. The Committee also recommends that the State party, if it does not do so already, follow the standards of the ILO Domestic Workers Convention, 2011 (No. 189).**

Health

41. The Committee notes with appreciation the amendment of article 248 of the Criminal Code, as well as of article 323 of the Civil Code, following which the termination of pregnancy is permissible in order to preserve the life of the pregnant woman, when a serious condition is detected in the unborn child that is acknowledged to be incurable at the time of the prenatal diagnosis, and when a rape has been committed, irrespective of the identity of the perpetrator. It is concerned, however, that:

(a) The State party has not fully decriminalized voluntary termination of pregnancy;

(b) Information about access to abortion and post-abortion services, as well as to emergency contraceptives, is limited in the State party;

(c) The legalization of abortion in the event of rape is subject to the requirement of "sufficient grounds to presume that the pregnancy was the result of a criminal act", which may subject the woman requesting the abortion to excessive questioning and invasive measures for securing forensic or medico-biological proof.

42. **The Committee recalls its statement on sexual and reproductive health and rights, adopted at its fifty-seventh session, and recommends that the State party:**

(a) **Extend the notion of preserving the life of the pregnant woman to include the protection of both physical and mental health in article 248 of the Criminal Code, as well as in article 323 of the Civil Code;**

(b) **In addition, legalize abortion in cases of incest and severe fetal impairment and decriminalize it in all other cases;**

(c) **Ensure that sufficient, safe, affordable, confidential and non-judgmental abortion services and post-abortion services are available to all women and girls in the State party, even if the abortion is not legal;**

(d) **Ensure that all measures for securing forensic medico-biological proof when requesting a termination of pregnancy following rape respect the woman's integrity and dignity;**

(e) **Increase awareness-raising measures to ensure that the population is sufficiently aware of protection measures against HIV and other sexually transmitted diseases.**

Economic and social benefits

43. The Committee notes that, according to Law No. 595 of 1954, family benefits are mostly paid to the mother. It is concerned, however, about the indication by the State party that, in the vast majority of cases, men are recognized as the formal head of household. It not only is concerned about the discriminatory nature of this concept but also notes with concern that a scheme in which the woman is provided with the means to care for the children and the man is considered the head of the household reinforces traditional patriarchal attitudes.

44. **The Committee recommends that the State party take swift measures to abolish the recognition of men as the head of household by default and either abolish the concept of "head of household" or ensure that both partners are recognized as heads of household.**

Lesbian, bisexual, transgender and intersex women

45. The Committee notes the constitutional prohibition of discrimination in articles 17 and 32, as well as in Law No. 1.299 of 2005 on freedom of public expression, which prohibits incitement to hatred and violence against an individual on the ground of sexual orientation. It notes with concern, however, the lack of anti-discrimination legislation protecting women who are lesbian, bisexual, transgender or intersex beyond these laws. It also notes with concern that:

(a) Violence based on sexual orientation or on being transgender or intersex is not considered an aggravating factor in the Criminal Code;

(b) There is no legislation allowing for change of sex marker in official documents.

46. **The Committee recommends that the State party provide lesbian, bisexual, transgender and intersex women with the necessary protection from discrimination and violence and:**

(a) **Adopt specific anti-discrimination legislation and criminal law provisions explicitly recognizing violence based on sexual orientation or on being transgender or intersex as an aggravating factor;**

(b) **Revise existing laws to ensure that lesbian couples have access to marriage or, as a minimum, to an officially registered union, as well as to adoption;**

(c) **Adopt legislation allowing for change of sex marker in official documentation for transgender women.**

Marriage and family relations

47. The Committee notes with concern that the State party's separate marital property regime fails to ensure that property that was acquired by both spouses during marriage is distributed equally between them following the dissolution of the marriage, unless they enter into a specific agreement to the contrary.

48. **The Committee draws the State party's attention to general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. It reminds the State party of its obligation to provide, upon divorce and/or separation, for equality between the parties in the division of all property accumulated during the marriage. It therefore recommends that the State party undertake the necessary legal amendments to ensure that property acquired jointly during marriage or property over which neither of the spouses can establish their exclusive right of ownership is regarded as owned by both spouses in undivided co-ownership and is hence divided equally between them upon dissolution of their marriage.**

49. The Committee notes with concern that women are prohibited from remarrying for 310 days following a divorce.

50. **The Committee recommends that the State party take swift measures to abolish the discriminatory prohibition on women remarrying within 310 days following a divorce.**

51. The Committee notes the recent change in legislation providing for shared custody of children. It is concerned, however, about the insufficient safeguards to ensure that shared custody does not result in reduced, or even cessation of, child support payments, as shared custody orders are not always abided by in practice and do not necessarily reflect the reality of time and cost allocation between parents.

52. **The Committee recommends that the State party closely monitor the economic welfare of children following divorce, so as to prevent strategic or opportunistic claims for shared custody by men and ensure that child support payments are not inappropriately reduced in case of shared custody.**

53. The Committee notes with concern the lack of sufficient safeguards to ensure that gender-based violence against women in the domestic sphere is adequately taken into consideration when determining child custody, in particular violence distinct

from violence that has resulted in a conviction, e.g. presumed violence such as that proven by a doctor's certificate, a witness statement or a complaint.

54. **The Committee draws the State party's attention to general recommendation No. 35, and recommends that the State party adopt the necessary legislative amendments and provide capacity-building to the judiciary to ensure that child custody, access, contact and visitation are determined in the light of the rights of women and children to life and physical, sexual and psychological integrity and guided by the principle of the best interests of the child. In this regard, it also recommends that the State party specifically sensitize the judiciary on the relationship between gender-based violence against women in the domestic sphere and children's development.**

55. The Committee notes with concern that the economic rights of women in de facto relationships are insufficiently protected.

56. **The Committee recommends that the State party take the necessary legislative amendments to ensure protection of the economic rights of women in de facto relationships.**

Data collection and analysis

57. The Committee is concerned about the absence of a centralized data collection system and about the deficiencies in compiling, analysing and processing reliable statistical data on the situation of women in all areas covered by the Convention.

58. **The Committee recommends that the State party develop and implement systems of collection, analysis and dissemination of comprehensive data disaggregated by sex, age and nationality, and use measurable indicators to assess trends in the situation of women and progress made towards the realization of women's substantive equality in all areas covered by the Convention.**

Beijing Declaration and Platform for Action

59. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

60. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

61. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, in particular to the Government, the ministries, the National Council and the judiciary, to enable their full implementation.**

Ratification of other treaties

62. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities, to which it is not yet a party.**

Follow-up to concluding observations

63. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 26 (i), 36 (a), 38 and 50 above.**

Preparation of the next report

64. **The Committee requests the State party to submit its fourth periodic report in November 2021. The report should be submitted on time and cover the entire period up to the time of its submission.**

65. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see** HRI/GEN/2/Rev.6, **chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.